

BUREAU OF RECLAMATION

Reclamation Instructions

Reclamation Acquisition Regulation System

401 DM Addition to FAR & DIAR

PART WBR 1453 -- FORMS

WBR 1453.303-1415-3

WBR 1453.303-1415-3 (WBR 1415.303-70)

BUREAU OF RECLAMATION

CONFLICT OF INTEREST CERTIFICATE

To: _____
(Name of Contracting Officer)

I certify that I am not aware of any matter which might reduce my ability to participate in the proposal evaluation proceedings and activities associated with Solicitation No. _____, titled _____, in an objective and unbiased manner or which might place me in a position of conflict, real or apparent, between my responsibilities as an evaluator or advisor and other interests. (See reverse of this form for a more definitive explanation of "conflict of interest.")

In making this certification, I have considered all my stocks, bonds, other financial interests, outside business associates, and employment arrangements (past, present, or under consideration) and, to the extent known by me, all the financial interests and employment arrangements of my spouse, my minor children, and other members of my immediate household.

If, after the date of this certification, any person, firm, or organization with which, to my knowledge, I (including my spouse, minor children, and other members of my immediate household) have a financial interest, or with which I have or am actually considering an employment arrangement, submits a proposal or otherwise becomes involved in the subject project, I will notify the contracting officer, and thereafter, based on advice to do so from the servicing ethics counselor, I will agree to not participate further in any way (e.g., by rendering advice, making recommendations, scoring proposals, or otherwise in the particular subject matter or project).

(Signature of Procurement Official, Office Symbol and Date)

THIS CERTIFICATION CONTAINS A MATTER WITHIN THE JURISDICTION OF AN AGENCY OF THE UNITED STATES, AND THE MAKING OF A FALSE, FICTITIOUS, OR FRAUDULENT CERTIFICATION MAY RENDER THE MAKER SUBJECT TO PROSECUTION UNDER TITLE 18, UNITED STATES CODE, SECTION 1001.

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401 DM Addition to FAR & DIAR

PART WBR 1453 -- FORMS

WBR 1453.303-1432-1

Conflict of Interest

(a) Technical evaluators and advisors, including members of proposal evaluation committees, must render impartial, technically sound, and objective assistance and advice to protect the integrity of the evaluation and selection process. 18 U.S.C. 208 prohibits an employee from participating in his or her Government capacity in any matter when the employee, his or her spouse, minor child, outside business associate, or a person or spouse, minor child, outside business associate, or a person or organization with whom the employee is negotiating or has an arrangement for prospective employment, has a financial interest.

(b) Employee Responsibility and Conduct Regulations of the Department of the Interior are contained in 43 CFR Part 20. Section 20.735-21 prohibits employees from having a direct or indirect financial interest that conflicts substantially or appears to conflict substantially with his or her Government duties and responsibilities. Section 20.735-21 also prohibits employees from engaging in, directly or indirectly, a financial transaction resulting from or primarily relying on, information obtained through his or her Government employment. In addition, other regulations concerning conflicts of interest involving employees of specific bureaus and offices are contained in Section 20.735-22(c).

(c) With the exception of contracting personnel, proposal evaluators and advisors are not required to file a Statement of Employment and Financial Interest (DI-210) unless they occupy positions identified in 43 CFR 20.735-30(b). Therefore, each evaluator and advisor shall sign and return to the contracting officer, Form DI-1960, Conflict of Interest Certificate (or a bureau substitute approved by the head of the contracting activity) as prescribed in 1453.215-72, upon receipt of a memorandum appointing the individual as an evaluator or advisor. If a potential conflict of interest exists, the appointee shall not be allowed to evaluate or advise on a potential contractor's proposal until the conflict has been resolved with the servicing Ethics Counselor.

(d) During the evaluation process, each evaluator and advisor is responsible for assuring that there are no financial or employment interests which conflict or give the appearance of conflicting with his or her duty to evaluate proposals impartially and objectively. Examples of situations why may be prohibited or represent a potential conflict of interest include:

- (1) Financial interest, including stocks and bond, in a firm which submits or is expected to submit, an offer in response to the solicitation;
- (2) Outstanding financial commitments to any offeror or potential offeror;
- (3) Employment in any capacity, even if otherwise permissible, by any offeror or potential offeror;
- (4) Employment within the last 12 months by any offeror or potential offeror;
- (5) Any non-vested pension or reemployment rights, or interest in profit sharing or stock bonus plan, arising out of the previous employment by an offeror or potential offeror;
- (6) Employment of any member of the immediate family by any offeror or potential offeror; and
- (7) Negotiation of outside employment with any offeror or potential offeror.

(e) Each proposal evaluator and advisor shall notify the contracting officer as soon as it becomes known that a potential or actual conflict of interest exists. The contracting officer shall obtain the assistance of the servicing Ethics Counselor in order to reach an opinion or resolution. A record of the disposition of all conflict of interest situations shall be included in the contract file.